



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
25 February 2015

English only

**Committee on the Elimination of Discrimination
against Women
Sixtieth session**

Summary record of the 1283rd meeting

Held at the Palais des Nations, Geneva, on Friday, 20 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention
(continued)

Combined third and fourth periodic reports of Tuvalu

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined third and fourth periodic reports of Tuvalu (CEDAW/C/TUV/3-4; CEDAW/C/TUV/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Tuvalu took places at the Committee table.*
2. **Ms. Fauvaka Etuati** (Tuvalu), introducing the combined third and fourth periodic reports of Tuvalu (CEDAW/C/TUV/3-4), said that the adoption of the Family Protection and Domestic Violence Act in 2014 had constituted a milestone in the Government's effort to assume greater responsibility in combating violence against women. Another significant advance in 2014 had been the entry into force of the act amending the Falekaupule (Local Government) Act, which extended the right to participate and vote in local budget approval processes to all women aged over 18 years. Thus, although lack of resources dictated that progress was gradual, legislative advances were being achieved.
3. A new national policy on gender equality and women's empowerment had also been adopted in 2014. Its primary objectives were to build gender capacity across all government sectors; to reflect government commitments to gender equality and women's empowerment in legislation and policies; to create an enabling environment for women's full participation in economic development; to guarantee equal access to decision-making and leadership positions; and to eliminate all forms of gender-based violence. The policy was supported by a three-year strategic action plan which encompassed training for government officials and civil society, training for trainers, a massive campaign to raise awareness of gender-based violence and trade fairs to showcase women's skills and talents, among other activities. In addition, after the forthcoming elections the Gender Affairs Department would run induction workshops for new parliamentarians in order to place gender sensitization firmly on the political agenda.
4. The Government had also been working to enhance educational opportunities. Despite opposition, family life education covering sexuality and reproductive health had been incorporated into the curriculum – an advance that should help girls to make wise life decisions. Tertiary education institutions offered various options to encourage students, and especially girls, to continue learning, and funding was available through the Student Education Loan Fund. For girls who were not able to complete their secondary education, community training centres offered life skills training to equip them for small-scale business activities.
5. The presence of girls on courses in carpentry, joinery and welding attested to the lack of stereotyping in study choices and, following national consultations, the Tuvalu Maritime Training Institute had recently lifted the discriminatory practice of admitting young men only. As result, four young women would shortly graduate in seamanship skills.
6. Health care was free to all Tuvalu citizens. Two new health clinics had been opened in 2014 to alleviate the workload of the main hospital. The new clinics were strategically located to facilitate access to perinatal care for women living in remote settlements. Family planning services were readily available, breast-feeding was actively encouraged, and one-to-one counselling was available to young girls with sensitive health issues. In view of the country's small population and vulnerability to HIV/AIDS, the Ministry of Health had worked closely with local stakeholders to control the disease's spread. The fact that no new cases had been recorded since 2009 was a testament to the success of its outreach programmes, awareness-raising campaigns and Government-NGO cooperation.

7. Tuvalu faced manifold challenges in implementing the Convention: limited financial and human resources in most sectors; insufficient resources for a full legislative review; cultural barriers; a scattered island territory that complicated transportation and communication; lack of political will; and, foremost among them all, the devastating impact of climate change on livelihoods and future prospects. However, the Government would continue working towards implementation of its new legislation and policies and remained firmly committed to eliminating all forms of discrimination against women.

Articles 1 to 6

8. **Ms. Ameline** asked whether a review of the Constitution was on the agenda; when any amendments might be adopted; whether the State party intended to ratify the Optional Protocol to the Convention; and whether there were any plans to establish a national human rights commission. The adoption of the Family Protection and Domestic Violence Act was an important advance but the State party also needed to repeal or revise the large number of discriminatory provisions still present in various national laws, including the Native Land Act. She asked the delegation to clarify the schedule for the comprehensive global review that was urgently required and to say what body would oversee the exercise. She also sought clarification regarding the status of customary law in the legal order.

9. **Ms. Hofmeister** asked whether women faced legal and other costs that might deter them from seeking redress or appealing against first-instance judgements. For example, what expenses were involved in Supreme Court challenges? For women living in outer islands, travel expenses were presumably among the obstacles. She would also like to know what support was available for victims of violent offences; how many women were working as judges and prosecutors; how many police officers were women; whether judges, prosecutors and police officers received specific training in gender issues; whether there were any women's NGOs or a women's bar association; and where female prisoners were detained.

10. **Ms. Haidar** said that she would like more information about the content, objectives and current status of implementation of the gender equality policy and action plan and the resources allocated to them. In view of the financial constraints affecting all State activities, focusing on two or three priority areas might be the most effective means to advance the agenda: new legislation and policies were of limited value if not supported by adequate funds. She asked how the State party planned to tap the resources of civil society organizations to support the future development of the policy and plan.

11. **Ms. Italeli Talia** (Tuvalu) said that plans for a comprehensive legislative review had had to be put on hold until the new Government was in place. However, with support from the Regional Rights Resource Team of the Secretariat of the Pacific Community, the Attorney General's Office was working towards implementation of the new Family Protection and Domestic Violence Act. The implementation plan, as well as a schedule for the legislative review, should be agreed before the end of 2015. The provisions of customary law could be invoked in court proceedings provided they did not run counter to positive law.

12. Access to justice could be a major problem for women in rural areas but the obstacles were mostly related to geography and transport and as such often beyond the State's control. Finance was a lesser obstacle; legal personnel were encouraged to work on a pro bono basis and charges were often waived for women who lacked economic means or family support, particularly when sensitive issues such as domestic violence were involved.

13. There were currently 2 female judges working in Tuvalu, out of a total of 24. There were no prison facilities for women as there were no female prisoners; the last woman imprisoned had been released in 2014.

14. **Ms. Tavita** (Tuvalu) said that there were about 5 women police officers, out of a total of around 50. The Gender Affairs Department worked closely with the Statistics Office, which maintained a database of disaggregated data, to monitor the status of women.

15. **Ms. Haidar** asked what executive powers were enjoyed by the Gender Affairs Department; what mechanisms were in place to ensure coordination between the Department and other ministries; what priority areas had been identified for the strategic action plan; and how civil society and local communities were mobilized to assist the national machinery and compensate for the lack of State resources.

16. **Ms. Italeli Talia** (Tuvalu) said that the Government hoped to have concluded the judicial review prior to submitting its next periodic report. Ratification of the Optional Protocol was certainly envisaged, and would be considered once the new Government was in place. The possibility of establishing a national human rights commission would also be on the agenda.

17. **Ms. Ameline** asked what training and awareness-raising measures were being used to ensure that women not only stood for election, but were actually elected, and that women's representation in elected office ceased to fluctuate as it had done in the past. She also asked what the State party was doing to address the financial shortages which were reportedly impeding the work of the Attorney General's Office and the justice system in general. She suggested that temporary special measures should be considered as a means to keep girls in school.

18. **Ms. Acar** said that an explanation as to the sociopolitical reasoning behind the title of the new Family Protection and Domestic Violence Act would be appreciated. Was the institution of the family thought to be more under threat than women's rights in domestic violence situations? She also enquired whether the Act covered all forms of domestic violence, including incest, sexual violence and psychological violence, and whether the definition of rape was based on absence of consent, in line with international norms. Lastly, expressing concern about the lack of training in new laws received by the judiciary, she suggested that technical assistance might be sought to address that deficiency and asked whether the State party had a timetable in mind for such training.

19. **Ms. Arocha Domínguez** said that she was concerned that public officials appeared not to be receiving adequate training in gender issues and that sensitization campaigns about sexual relationships and family roles appeared to target girls rather than society in general, thereby perpetuating stereotypical views. She asked what the State party was doing to raise awareness and change attitudes among men, by working with religious leaders, for example, or using radio programmes.

20. **Ms. Leinarte**, noting that no cases of trafficking to, from or within Tuvalu had ever been reported, asked how the authorities could be certain that no such offences had ever been committed. Noting also that prostitution was an offence under the Criminal Code, she asked whether any women had been prosecuted and convicted under those provisions; whether there was any public discussion or debate in the media about prostitution and trafficking; and whether society acknowledged the existence of those problems.

21. **Ms. Tavita** (Tuvalu) said that temporary special measures were a sensitive issue and continuous awareness-raising efforts were still required. To that end, media campaigns were being run and a gender mainstreaming programme was in place for government ministries and civil society. Although stereotypes could be difficult to overcome, progress had been made and gender roles in Tuvalu had become interchangeable. A committee had been established within the Gender Affairs Department for liaison with other stakeholders, including government ministries and civil society.

22. **Ms. Ionatana Osema** (Tuvalu) said that in order to remove gender stereotypes and discrimination against girls in education, awareness-raising measures were taken to inform girls about gender issues.
23. **Ms. Italeli Talia** (Tuvalu) said that the Family Protection and Domestic Violence Act had been drafted with expert support from the secretariat of the Pacific Islands Forum. During the drafting process, efforts had been made to identify where violence was likely to occur: anecdotal evidence had shown the prevalence of violence in a domestic context, particularly against women and children. The Act had therefore been intended to protect the family and address psychological, physical, sexual, economic and social violence. Rape was defined in the same terms under that Act as under the Criminal Code. Marital rape was not yet included in that definition but the definition of rape was due to be revised. Trafficking in persons and prostitution were both criminal offences. There had been no reports of trafficking in Tuvalu; two cases of prostitution were currently under investigation.
24. **Ms. Acar** said that the Convention required the recognition, promotion and protection of the human rights of women as individuals. That should be taken into account in any future revisions of the Family Protection and Domestic Violence Act. She asked whether incest was covered under the Act. She also wished to know whether there was a time frame in place for devising and implementing a training programme for the judiciary on violence against women.
25. **Ms. Leinarte** requested clarification on whether it was prostitutes themselves or those exploiting them who could be prosecuted under the Criminal Code.
26. **Ms. Haidar** requested further information on the priority policy areas and executive power of the Gender Affairs Department.
27. **Ms. Fauvaka Etuati** (Tuvalu) said that the Gender Affairs Department, which had previously been part of the Ministry of Home Affairs, was now under the authority of the Office of the Prime Minister.
28. **Ms. Italeli Talia** (Tuvalu) said that the Family Protection and Domestic Violence Act was read in conjunction with the Criminal Code, under which incest was a criminal offence. As to penalization of prostitution, it was pimps who were prosecuted, not prostitutes themselves.
29. **Ms. Tavita** (Tuvalu) said that the Gender Affairs Department worked on four main policy areas: strengthening institutions and capacity-building; promoting women in decision-making; women's economic empowerment; and the elimination of all forms of violence against women.

Articles 7 to 9

30. **The Chairperson** expressed concern regarding women's participation in public life: despite the constitutional provision on equal participation there was still only one woman parliamentarian in Tuvalu. While there were three women on the electoral list for the next election, she wondered what measures were being taken to change the stereotypical perception of politics as being for men. If women did not believe there was a place for them in politics they would not stand for election. She asked what the financial burden was for candidates, and whether there were any programmes in place to mitigate it. Since voting tended to be based on family ties rather than candidates' credentials, she wondered whether any measures were being taken to raise awareness about democracy and free elections. She asked whether the "practice parliament" for women had been successful, and whether any follow-up actions would be taken to encourage those who had participated to continue their involvement in politics. It was important not only to change attitudes among women, but also to ensure that men and boys supported women's contribution to public life.

31. **Ms. Zou Xiaojiao** asked whether the State party intended to repeal or revise the discriminatory provision of the Constitution on the citizenship of children of Tuvalu women fathered by nationals of countries at war with Tuvalu.

32. **Ms. Fauvaka Etuati** (Tuvalu) said that women's participation in public life was advocated through a radio programme entitled "The World of Women", which was broadcast weekly on the national radio station in association with the Tuvalu National Council of Women, and covered such topics as the role of women in communities, the family and international settings. The practice parliament had been a success and had encouraged women to take up positions in politics. The Gender Affairs Department was taking measures to promote the election of candidates on their merits rather than on the basis of their family ties. With regard to changing the attitudes of men and boys, she said that more education in that regard would result in greater support for women.

33. **Ms. Tavita** (Tuvalu) said that women in Tuvalu were free to vote and to run for parliamentary election. Given the small number of women involved in high-level decision-making, awareness-raising and capacity-building programmes would continue. Measures were being taken to change women's attitudes and public perceptions of women's role in society through media campaigns and train-the-trainer programmes with the involvement of civil society.

34. **Ms. Tangisia Faavae** (Tuvalu) said that the Government's awareness-raising programmes and activities in the media to promote women's participation in public life had borne fruit: two women had chosen to run as candidates in the forthcoming parliamentary elections.

35. **Ms. Italeli Talia** (Tuvalu) said that the costs of standing for election were generally met by the family and community supporting the candidate. The Constitution would be reviewed to identify and remove discriminatory provisions as a matter of priority.

36. **Ms. Tangisia Faavae** (Tuvalu) said that children in Tuvalu were brought up in a culture of respect: boys were taught to respect girls and women.

37. **Ms. Italeli Talia** (Tuvalu) said that the Government's new gender policy upheld women's dignity and promoted their social and economic contribution to society in Tuvalu. The implementation of that policy was leading to a change in attitude to women's rights.

Articles 10 to 14

38. **Ms. Bailey** asked what was being done to counter the cultural practices and accepted gender stereotypes that acted as barriers to girls' participation in education, particularly at primary level. Although it was illegal to prevent children from attending school, parents tended to keep their elder female children at home to care for their younger siblings. She asked what impact police intervention was having in such cases. She also asked whether compulsory education was provided for under the Education Act, or whether it was a policy position taken by the Education Department. She wondered when the Education Act would be revised in line with the Convention on the Rights of the Child, and wished to know whether the Government intended to set any strategies to ensure the enforcement of the Act. She requested information on school dropout rates for girls and asked, in particular, about early pregnancy: were girls who became pregnant allowed to continue their schooling, and would they be allowed to return to school after having given birth?

39. She wished to know whether family life education would be taught as a stand-alone subject in schools, rather than being incorporated into science classes, with the risk of presenting only the biological perspective and not the social aspects of the subject. She also wondered whether the State party intended to broaden the family life education curriculum to be taught at all stages of education, in an age-appropriate manner. On vocational

education at tertiary level, she expressed concern that the introduction of subjects tailored towards girls would only serve to reinforce the idea that some subjects — such as engineering and construction — were for boys, while others were for girls. She asked what measures were being taken to encourage girls to participate in the vocational courses already on offer. She also asked whether there was any training available for teachers and parents to dismantle entrenched stereotypes and encourage boys and girls to participate in all subjects. She requested clarification of the term “school push-out”.

40. **Ms. Pomeranzi** asked what the emerging trends were in women’s labour, particularly since the State party had worked with the International Labour Organization (ILO) to promote gender equality on the labour market. She would be particularly interested to know whether the 2008 global economic and financial crisis had affected labour trends and if so, what kind of changes had occurred. She also asked whether any changes had occurred in the division of responsibilities between men and women, and whether discriminatory provisions on maternity leave in labour legislation had been repealed. She wondered whether progress had been made towards the ratification of the core international labour conventions, and requested information on women’s participation in labour market negotiations and trade union activity.

41. **Ms. Arocha Domínguez** asked what the impact of the measures taken in the State party to improve activities, programmes and services for women had been on women’s quality of life. She would be particularly interested to hear if there had been a reduction in maternal and child mortality rates or any increase in life expectancy, and how rates of disease prevalence had been affected. She asked whether the health centres that had been opened in the outer islands had the necessary equipment and staff to respond to health emergencies. Given that abortion was punishable under the Criminal Code, she would like more information about the extent of clandestine abortions, in what conditions those abortions were carried out, and what impact they had on maternal mortality. She asked what would happen to a woman who induced a miscarriage: would she be subject to criminal proceedings? She wondered whether anything was being done to change attitudes towards discussing sexually transmitted infections, especially HIV, and their risks and prevention. She asked what family planning methods were promoted and whether they were accessible to women in the outer islands. She also asked whether early detection of HIV was possible and whether the State party had sufficient antiretroviral treatment available for all those who needed it.

42. **Ms. Ionatana Osema** (Tuvalu) said that the number of older girls kept at home to look after their younger siblings had fallen as a result of radio broadcasts and awareness-raising campaigns. National legislation provided for compulsory education for children aged between 6 and 15, and parents were prosecuted if their children failed to attend school. Family life education at primary and secondary levels was part of social science and health lessons and covered HIV/AIDS and sexuality. There were plans to develop family life education as a subject in itself. In response to objections from many parents to the provision of family life education and the failure to separate boys and girls in those classes, the Government was making efforts to raise awareness of the importance of the subject and try to obtain parents’ approval. Public schools systematically expelled girls who had sexual relations with boys or became pregnant, but private faith-based schools did not expel them automatically and allowed them back in or took them in if they had been expelled from another establishment. Community training centres had been set up on the outer islands to provide educational opportunities for school “push-outs”, i.e., students who did not pass secondary school entrance exams. Vocational course applications were open to women and men equally. Women were entitled to enroll on any course, including in traditionally male-dominated subjects, and were offered career guidance prior to enrolment. One female student had graduated as a civil engineer in the previous two years.

43. **Ms. Italeli Talia** (Tuvalu) said that the Department of Labour was currently working with ILO to review legislation on employment and labour. A committee had been set up to draft amendments based on the forthcoming recommendations from ILO, which would focus on maternity leave and guarantees for working mothers. It was expected that the review would be completed during the next reporting period.

44. **Ms. Tangisia Faavae** (Tuvalu) said that the new health centres that had been built throughout the country were staffed by health practitioners. In addition, a team of doctors visited the centres on the outer islands four times a year to enable people in those areas to consult a doctor. In the event of a medical emergency on the outer islands, the Ministry of Health was alerted and a boat was sent out to transport the patient to the main hospital. Abortion in the State party remained a criminal offence and no cases of termination of pregnancy for non-medical reasons had been reported in the main hospital. The Ministry of Health was cooperating with the Tuvalu National AIDS Committee to raise awareness of sexually transmitted diseases and HIV/AIDS, and it also distributed condoms, provided counselling for pregnant women and ran youth workshops on early pregnancy. The draft HIV legislation was now being finalized; it focused on creating an enabling environment and prevention of HIV/AIDS and other sexually transmitted diseases. The rate of maternal mortality had decreased since 2009.

45. **Ms. Pomeranzi** asked how the global financial crisis of 2008 had redefined women's relationship to employment. What measures were envisaged to eliminate discrimination against women in the workplace? How was the State party dealing with the migration flows away from the country?

46. **Ms. Zou Xiaojiao** asked whether there was legal provision permitting abortion where pregnancy resulted from rape or incest and whether there was a time frame for the adoption of the HIV legislation. She also wondered whether the State party intended to conduct a comprehensive revision of all legislation, including laws concerning climate change.

47. **Ms. Bailey** said that it appeared that the expulsion procedure in public schools remained discriminatory: not all girls could afford to attend private schools, yet that was the only option for girls who had been expelled for pregnancy. She asked whether the "push-out" rate was higher among girls or boys. The concept of free choice was constrained by stereotypes generated by cultural and societal conditioning and assumptions. She therefore encouraged the State party to take action to break down gender stereotypes with a view to fostering genuine freedom of choice.

48. **Ms. Arocha Dominguez** said that the example of a girl who had studied engineering demonstrated an absence of legal restrictions but not of stereotypes. On the contrary, the existence of a single case only illustrated that girls were still expected to follow certain career paths and that only a minority deviated from them. She asked for information on the causes of morbidity and mortality in Tuvalu.

49. **Ms. Fauvaka Etuati** (Tuvalu) said that during the financial crisis of 2008 public service posts had been frozen as a response to budget cuts.

50. **Ms. Italeli Talia** (Tuvalu) said that political will would be required in order to amend and implement the labour laws to bring them into compliance with the fundamental conventions of the ILO.

51. **Ms. Tangisia Faavae** (Tuvalu) said that decriminalization of abortion remained a sensitive issue. The Ministry of Health publicized the risks of abortion but some women still resorted to traditional healers. The draft HIV legislation would be submitted to the Cabinet following the elections in March 2015.

52. **Ms. Ionatana Osema** (Tuvalu) said that the Committee's concerns about stereotypes had been duly noted and would be taken into account.
53. **Ms. Ameline** said she was concerned at the fact that the State party was on the front line of imminent devastation from climate change. While commending mitigation actions taken so far, she asked whether women from all sectors of society participated in the formulation and implementation of plans in that area.
54. **Ms. Fauvaka Etuati** (Tuvalu) said that women were involved in the development of climate change adaptation programmes and played a key role in training sessions.
55. **Ms. Tangisia Faavae** (Tuvalu) said that women were heavily involved in decision-making processes on climate change.
56. **Ms. Italeli Talia** (Tuvalu) said that the State party had been involved in the Conference of the Parties to the United Nations Framework Convention on Climate Change in Doha in 2012, at which it had demonstrated the disproportionate impact that climate change was having on the country and urged powerful nations to cut down on emissions and implement relevant policies as a matter of urgency.
57. **Ms. Pomeranzi** asked what the State party was doing to increase the economic empowerment of women, especially in the light of climate change and subsequent loss of livelihood for women working in agriculture. She wondered what particular measures had been adopted to promote green jobs. Were there special microcredit programmes in place for rural women and what was done to ensure that women were involved in decision-making regarding policies on climate change?
58. **Ms. Zou Xiaoqiao** asked whether a survey had been conducted to determine the different impacts of the rise in sea level on women and men, and for later use as a basis for policymaking on climate change. She asked whether the State party's policies and programmes in that area incorporated a gender perspective. Given that just under half of all women in the country lived in rural areas, she would like further information on their access to basic sanitation services, including drinking water. Did the National Gender Policy, include targeted programmes to improve women's economic empowerment and income-generating activities?
59. It was essential to address the discriminatory provisions regarding land ownership and inheritance, and to raise awareness among the population of the importance of women working in agriculture owning land so that they could continue working.
60. **Ms. Tavita** (Tuvalu) said that the Government made efforts to publicize the repercussions of climate change on women's roles and invited women to help formulate adaptation programmes by voicing their opinions on radio broadcasts.
61. With the support of the Falekaupule Trust Fund, which had donated water tanks to some rural communities, most rural areas now had access to sanitation. The Government provided grants and training to bolster women's economic development and the Tuvalu National Council of Women had a small fund to assist women in setting up their own businesses.
62. **Ms. Fauvaka Etuati** (Tuvalu) said that the sea level rise had indeed caused devastation on the outer islands by destroying harvests and polluting underground water. New water tanks, however, enabled women to collect drinking water from other sources.

The meeting rose at 1 p.m.